

U.S. REFUGEE RESETTLEMENT PROGRAM: A BRIEF ANALYSIS

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Abstract

The Global Statistics suggest that there are as many as 65 million people who have been the unfortunate victims of war, persecution, climate change, natural disasters, and the like. Many of these people, in search of immediate shelter and security, moved to their neighbouring countries, while others managed to escape the disaster and reach either United States or the European Countries.

United States has always welcomed refugees in its territories, be it during the time of World War II when people in Europe faced the terror and left their country in order to survive, or be it those who escaped the communist European and Asian Countries during Cold War. In 1980s, the law governing the refugees in United States was *ad hoc*, however, with the rising mass influx of refugees in the States, U.S. adopted a more permanent approach towards helping the displaced people through a standardised process of identification, vetting, and resettlement of refugees seeking refuge in States.

However, presently, during Trump's Regime, the number of refugees fleeing the civil war in Syria that somehow managed to reach the States to seek shelter and security were restricted to merely 'eleven'.

This paper shall discuss how the Refugee System functions in United States, in specific, and the change in approach of United States towards helping Refugees on humanitarian grounds.

Key words: Refugee, Mass Influx, United States, Resettlement, Trump's Order.

1. INTRODUCTION

The world has since World War I witnessed a monstrous rise in the displacement records. With Syrian conflict, the United Nations Global Statistics suggest that approximately 65 million people have been displaced in the recent year at the rate of 1 person being displaced every 2 seconds.²

Owing to the horrific conditions of war, persecution, natural disaster, and the like, prevailing in their country of origin, these people are forced to leave their home with nothing on their back. The hope of living a war-free life in a safe environment makes these people move from country to country. While many die on their journey of freedom, others are forced to fight for their refugee status in the country of proximate refuge, and prove that they are the real victims of persecution.

United States has always been a global leader as well as an example for other countries for its humanitarian approach towards Refugees fleeing conflict and persecution, and arriving at its territories for living in peace and safety, and for earning livelihood. Many of the refugees that U.S. has given shelter to have adapted the American way of life, and have proved to be a strong support in strengthening the economy of the States. Some of these refugees have also acquired the citizenship of U.S. after serving the country positively. The Refugee resettlement program adopted by United States in 1980 not only helped in stabilising the conflict-ridden regions in all these years, but has also greatly reduced the burden on those countries who had weaker capacity to host and care for refugees.

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² UNHCR statistics, 2017, <https://www.unrefugees.org/refugee-facts/statistics/>, accessed March 7, 2019.

However, with the Trump Administration, the number of refugees seeking refuge in U.S. have drastically decreased. U.S. has given shelter to barely 11 people fleeing the Syrian civil war. For the Fiscal year 2018, the number of resettled refugees in U.S. is said to decrease to only 45,000, while the actual numbers are still unknown.

The said decline in the figures possibly relates to the notional fear that letting refugees in could probably pose serious security risks to the States, although the standardised procedure of identification, vetting and resettlement adopted by U.S., being robust, tells a different story. In fact, U.S. has given shelter to refugees from Islamic nations like Syria and Iraq, and yet none of them have been reportedly involved in any deadly terrorist attacks.

2. REFUGEE AND U.S. RESETTLEMENT PROGRAM

Following World War II, United States adopted a series of strategies for resettling the people escaping wars and persecution. Statutes were passed for protecting and providing humanitarian relief to refugees of European crisis who were struggling to cope with the aftermath of war.

In 1948, *'The Displaced Persons Act, 1948'* was passed in United States which opened the doors for almost 200,000 people displaced as a result of World War II. The Act was renewed in 1950, which then allowed the entry and resettlement of almost 400,000 European Refugees in United States. Later in 1953, *the Refugee Relief Act* was passed that authorised the admission of around 214,000 additional refugees who were not attended by the 1948 Act. Subsequently, the 1956 Hungarian Uprising made the United States passed *the Refugee Escapee Act of 1957*, that helped in resettling almost thousand refugees escaping authoritarianism.

Meanwhile, in 1968, United States signed, ratified and adopted the *United Nations Convention Relating to the Status of Refugees, 1951 and its 1967 Protocol*, which define a 'Refugee'³ as a person who is unable or unwilling to return to his or her country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinions.

Seeing the mass exodus of refugees fleeing the cold war in Vietnam and South-East Asia, United State passed *Indochinese Migration and Refugee Assistance Act, 1975*, and became home for several hundred and thousands of Vietnamese and South-East Asian Refugees.

Following this, at a summit in Tokyo in 1979, United States along with Canada, Italy, Japan, Germany, France and U.K. made a joint statement regarding the plight of refugees coming from Vietnam, Laos and Cambodia, that poses serious risk to the peace and stability of South-East Asia.⁴ The Governments of these nations stressed on increasing their contribution⁵ towards the resettlement and relief of Indochinese refugees by making more funds available⁶ and by admitting⁷ more people into the country taking into account the existing circumstances in each country. Eventually these countries including U.S. became major resettlement destinations for the refugees worldwide.

Shortly after the Indochinese crisis, the Congress passed *the Refugee Act of 1980* in order to move from the ad hoc resettlement programs to a more permanent, orderly and systematic program for vetting, admitting and resettling refugees, and processing asylum claims. The 1980 Act incorporated the 1951 Convention and

³ Article 1, Para A(2) of Convention Relating to Status of Refugee, 1951 and its 1967 Protocol define 'Refugee' as any person owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his (or her) nationality and is unable or, owing to such fear, is unwilling to avail himself (or herself) to the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

⁴ 4 Ministry of Foreign Affairs of Japan. June 28, 1979. "Special Statement on the Summit on Indochinese Refugees", https://www.mofa.go.jp/policy/economy/summit/2000/past_summit/05/e05_c.html, accessed on March 8, 2019.

⁵ *ibid.*

⁶ *ibid.*

⁷ *ibid.*

1967 Protocol's official definition of 'Refugee' that provides a legal base for present *U.S. Refugee Admission Program (USRAP)*, and also authorised the President to increase the number of refugees to be admitted in the States to fifty thousand, or more, in case of emergency.

3. TRUMP'S EXECUTIVE ORDER

United States has been a home to number of refugees coming from Asia, Africa, Europe and Latin America. Immediately after the passing of 1980 Act, United States welcomed and admitted almost 200,000 Refugees, the highest ever in history, from South-East Asian Countries like Cambodia and Vietnam. From 2006 to 2016, majority of Refugees from Myanmar, Iraq and Bhutan were resettled in U.S.

However, the number of refugees admitted by the Country from some regions has seen dramatic fluctuations after the collapse of Soviet Union.

The terrorist attack of September 11, 2001 moved the attention towards the sources of immigration in U.S., which included the refugee resettlement program as well. Owing to national security concerns, the then U.S. President, George Washington Bush suspended refugee admissions⁸ for several months, and later more stringent security screening protocols⁹ were developed in order to ensure that no foreign arrivals have even slightest of connection with anti-American militants, and that each one follows the required immigration laws.¹⁰ As a result, the number of refugees admitted in United States stooped to 30,000 in 2002 and 2003 from 73,000 in 2001. However, with additional safeguards, once again the statistical surge was seen in this figure from the year 2004 to 2017 that allowed admission of on an average 62,000 refugees per year in U.S. But the caps on refugee admission remained between seventy to eighty thousand refugees per year.

In 2007, the *modus operandi* of the then U.S. president reflected an inclination towards humanitarian ground, especially towards Iraqi Refugees. Post 2003 US-led invasion in Iraq and toppling¹¹ of Saddam Hussein's rule, Iraq witnessed inter-communal¹² violence between Iraqi Sunni and Shi'a sect, that ultimately took the face of the most violent Sectarian Civil War in Iraq. The Bush administration in U.S. with United Nations planned¹³ to bring over and resettle several thousands of war-struck Iraqi Refugees, and as a result, U.S. admitted round about 85,000 Iraqi Refugees who co-operated with the U.S. forces as interpreters and contractors.¹⁴

Although the "numbers remain low compared to what the needs are",¹⁵ the approach of U.S. Government demonstrated their willingness to perform their moral obligations, to stand by the nations in times of need, as well as maintained the spirit reflected in the words of Ronald Reagan, the 40th American President, who in his farewell address rhetorically stated that "The United States is a magnet for all who must have freedom, for all the pilgrims from all the lost places who are hurtling through the darkness, towards home."¹⁶

The same was reflected in the actions of the 44th President of the United States, Barack Obama, who while addressing the growing migration crisis due to Syrian Civil War, raised the approved ceiling limit of eighty

⁸"How does the U.S. Refugee System Work?", <https://www.cfr.org/backgrounder/how-does-us-refugee-system-work>, accessed March 8, 2019.

⁹Professor Idean Salehyan, "The Strategic case for Refugee Resettlement", https://niskanencenter.org/wp-content/uploads/2018/09/NC-Refugee-Paper-SalehyanElec_FINAL.pdf, accessed March 8, 2019.

¹⁰ *ibid.*

¹¹ Iraqi Insurgency (2003-2011), [https://en.wikipedia.org/wiki/Iraqi_insurgency_\(2003%E2%80%932011\)](https://en.wikipedia.org/wiki/Iraqi_insurgency_(2003%E2%80%932011)), accessed March 8, 2019.

¹² *ibid.*

¹³Rachel L. Swarns and Katherine Zoepf, "More Iraqi Refugees are Headed to U.S.", <https://www.nytimes.com/2007/02/14/washington/14refugees.html>, accessed March 8, 2019.

¹⁴U.S. Citizenship and Immigration Services. Iraqi Refugee Processing Fact Sheet, June 6, 2013, <https://www.uscis.gov/humanitarian/refugees-asylum/refugees/iraqi-refugee-processing-fact-sheet>, accessed March 8, 2019.

¹⁵Kristele Younes of Refugee International supported these moves towards resettlement, but she said that "the numbers remain low compared to what the needs are." See. Rachel L. Swarns and Katherine Zoepf, "More Iraqi Refugees are Headed to U.S.", *Supra* Note 13.

¹⁶ Ronald Reagan, "Farewell Address to the Nation", University of California, Santa Barbara, American Presidency Project, January 11, 1989, <https://www.presidency.ucsb.edu/ws?pid=29650>, accessed March 8, 2019.

thousand refugees and allowed an additional five thousand refugees for resettling in the States.¹⁷ Further, the then President Obama also proposed an increase in the ceiling limit to admit 110,000 refugees in fiscal year 2017.¹⁸

However, President Donald Trump, during his presidency overturned President Obama's proposal, and lowered the ceiling limit to admitting fifty thousand refugees per year for fiscal year 2017, and further for fiscal year 2018 and 2019, the limit is set to forty-five thousand refugees and thirty thousand refugees, respectively. This has, by far, been the lowest limit of admitting refugees in United States. The purpose behind the move is not clear, although the Trump administration said that curtailing the number of refugees would enable in diverting the government resources towards settling the backlog of applications of eighty thousand asylum seekers, who have arrived at the southern borders of United States for seeking asylum, while critics of Trump administration find no connection between the reason quoted and the admission of refugees.

Moreover, new arguments against the admission of refugees surfaced up after the said move. Some said that admitting and resettling refugees in United States might cause serious threat to the fiscal and economic resources of United States, while others claimed that allowing the refugees from Islamic-extremist nations like Syria and Iraq may anytime bombard the nation and hamper national security of United States.

3.1 TERRORISM, ECONOMY AND REFUGEES

With regard to U.S. security concerns, the relation between terrorism and refugees is practically unreal. U.S. has been allowing hardly few refugees when compared to the other nations like Europe, who has been a home for large number of Islamic Refugees coming from Syria, Afghanistan and Iraq.

Moreover, the migrants who enter U.S. through the U.S. resettlement program go through a rigorous and robust screening and selection program conducted by UNHCR first, and once UNHCR determines their initial refugee status,¹⁹ they again go through a series of background checks²⁰, screening,²¹ vetting and interviews²² as part of U.S Resettlement Program, and are allowed to enter the States only after their refugee claims have been settled. Meanwhile, these refugees are also given cultural orientation course²³ to help them adapt to the American way of life. Further, on entering, their identity is verified again. All this procedure takes up round about 18 months to 3 years with no guarantee of entry²⁴ in the United States. By Contrast, in European Union, the migrants first cross the European territories of the EU member states, and then proceed for the adjudication of their refugee status. This implies three things:

1. Had the Islamic refugees posed security risks, EU would have been the most easiest target for them. However, the refugees residing in EU have been hardly in news for any terrorist activities.
2. Had the refugees posed serious security risks, the refugees already resettled in U.S. would have attacked U.S. and caused fatalities. However, after 9/11, not a single American has been killed by a terrorist incident by a refugee. Moreover, the robust refugee resettlement program, all this while, has acted as a deterrent for any potential terrorist and have automatically dissuaded him from entering the territories. A report from Cato Institute shows that from 1975 to 2015, only 0.00062 percent of all refugees admitted in U.S., were involved in terrorist activities; and out of these, only three attacks committed by Cuban exile in 1970, i.e., prior to the launch of refugee resettlement program,

¹⁷ Supra note 8.

¹⁸ Supra note 8.

¹⁹ Professor Idean Salehyan, Supra note 9.

²⁰ *ibid.*

²¹ *ibid.*

²² *ibid.*

²³ *ibid.*

²⁴ *ibid.*

1980, were successful.²⁵Owing to the success of the U.S. refugee programs, the terrorism risk that refugees pose, if it is not zero, then it is practically too small for U.S. when compared to the excessive rise in abuse of human rights of these people who have abandoned their home-country in order to just survive.

- Had the refugees caused serious fiscal and economic burden on United States, the economy of U.S. would have never been placed among top economies of the world. It is not completely deniable that the refugees cause no burden on the economy of the States, but the reports suggest that "over a 20-year stay in U.S., an average refugee pays \$21,000 more in taxes than they receive in social benefits and other public assistance."²⁶ Another report demonstrate that "in the long run, the refugees outperform other migrants in terms of their labour market participation, earnings, and English Proficiency."²⁷ Also, "refugees have higher entrepreneurship rate as compared to the U.S.-born population; reach a median household income that is \$14,000 higher than the overall median; and hold over \$1billion in spending power, contributing significantly to the economies of several states."²⁸

In short, contrary to the notional fears put forth against refugees, it is seen that refugees positively contribute towards the Economy of U.S., and hardly cause any security risks to the U.S. soil.

3.2. RESETTLEMENT IS IN U.S. NATIONAL INTEREST

Although, resettling refugees is a humanitarian act, but it is in the interest of U.S. for two major reasons:

- 1. It averts Regional Instability:** It is well-known fact that when large number of people with culturally different background and ideology with no place to go, cross national borders and enter a territory suddenly, they have a tendency to destabilise the receiving nation as well as the connecting regions. Majority of the war-stuck or escaping-persecution refugees tend to enter their neighbouring countries, which are almost either counted in developing regions or are less developed as compared to their country of origin. This places enormous strain on the first asylum countries for they lack not only the economy to manage the sudden mass influx of refugees through screening and selection process, but also lack the potential to successfully host and care for these refugees for a long time. In such a case, a developed nation like U.S., through its already established Resettlement program, may help these first asylum countries in sharing the burden by allowing the displaced persons to enter the soil of U.S., and help in restoring their regional stability.
- 2. It enhances the United States' global image:** Refugee assistance programs helps foster a positive image of the country and becomes a foundation of building trust and strong relationship between nations, and prevents radicalisation of refugees by extremist groups like ISIS. Financial contributions made towards the refugees as well as the refugee resettlement program undertaken by U.S. for long has served United States in a positive manner. United States has earned a superior role while persuading governments in conflict-ridden regions to allow refugees to enter their regions with open heart and provide them the necessary assistance while U.S. co-operates with them in sharing the cost of managing the living of refugees through logistical support, base agreements, intelligence, and monetary funding. This superiority favoured U.S. when U.S. itself became a reason for producing refugees. U.S. has welcomed large groups of people of all backgrounds and ideologies

²⁵ Alex Nowrasteh, "Terrorism and Immigration: A Risk Analysis", <https://www.cato.org/publications/policy-analysis/terrorism-immigration-risk-analysis>, updated September 13, 2016, accessed March 8, 2019.

²⁶ William N. Evans and Daniel Fitzgerald, National Bureau of Economic Research, 2017, <https://www.nber.org/digest/aug17/w23498.shtml>, accessed March 9, 2019.

²⁷ Cortes K.E. "Are refugees different from economic immigrants? Some empirical evidence on the heterogeneity of immigrant groups in the United States", *The Review of Economic and Statistics*:86, p. 465-480.

²⁸ A comprehensive study by New American Economy, 2017, <https://www.americanprogress.org/issues/immigration/reports/2017/04/20/430736/facts-immigration-today-2017-edition/>, accessed March 9, 2019.

since World War II, and has been a safe haven for people in need of immediate protection, which helped U.S. in channelling a positive image of itself in the global arena. Even refugees whom U.S. supported in their times of need, acted like 'Ambassadors of American Ideals'²⁹ and helped U.S. in reinforcing its image out in the world.

4. CONCLUSION

The Global Statistical data suggests "The biggest contributors providing a safe haven to the world's uprooted people are poorer countries."³⁰ "In mid-2016, Turkey sheltered the greatest number of refugees, hosting 2.8 million, followed by Pakistan (1.6 million), Lebanon (1 million), Iran (978,000), Ethiopia (742,700), Jordan (691,800), Kenya (523,500), Uganda (512,600), Germany (478,600) and Chad (386,100).³¹

For small countries like Lebanon and Jordan, the proportion of refugee compared to locals was quite large. 1 in every 6 people in Lebanon was a refugee, while 1 in every 10 people in Jordan was a refugee.³² Studies also suggest that Syrian refugees in Jordan brought economic instability as well as unemployment crises for the local population in lower sector of the country, while those in Lebanon, may disrupt the sectarian balance at the base of Lebanese political system.³³

Filippo Grandi, UN High Commissioner of Refugees said, "Today we face not so much a crisis of numbers but of co-operation and solidarity— especially given that most refugees stay in the countries neighbouring their war-torn homelands."³⁴

Several studies show the number of risks that developing countries face when refugees enter their borders, and no developed nation comes forward to shoulder the burden.

Before President Trump's presidency, United States was the moral authority and example of a country that always fought for the human rights of oppressed people, and aimed at securing freedom for them. A Young Burmese Refugee³⁵ in Boston, who recently became a U.S. citizen, contrasted her life in Burma with her new home: "In United States, they treat us equally. Here, there are people of many colours, many backgrounds. They help people from around the world, they give us a chance, they open their hearts to us."³⁶

However, after President Trump's executive order, U.S. refused to admit refugees, and issued travel bans for entire countries, which contradicted the long-standing tradition of U.S. of helping those uprooted by war or persecution. This also tarnished the global image that U.S. managed to build for itself so far. Islamic extremists such as Al-Qaida and the Islamic States reinforced the present condition in shaping an anecdote that the West, in general, and the United States, in particular, are belligerent to Muslims. Although, U.S. cannot accommodate whole of the refugee problem, but with its refugee resettlement program in function, U.S. could at least lend a helping hand to its friends and allies who are facing difficulty in hosting large number of refugees. U.S., if removes the ceiling limit on admission of refugees, can prevent extremists

²⁹ Professor Idean Salehyan, *Supra* note 9.

³⁰ UNHCR Study, 2017, <https://www.unhcr.org/news/latest/2017/2/58b001ab4/poorer-countries-host-forcibly-displaced-report-shows.html>, accessed March 9, 2019.

³¹ *ibid.*

³² *ibid.*

³³ *ibid.*

³⁴ Filippo Grandi, UN High Commissioner of Refugees, <https://www.unhcr.org/news/latest/2017/2/58b001ab4/poorer-countries-host-forcibly-displaced-report-shows.html>, accessed March 9, 2019.

³⁵ Po, entered U.S. in February, 2012, as a wide-eyed 14 year old girl, who became the victim of border conflicts when she was an infant, and remained in Thai refugee camps for 14 years.

³⁶ Jessica Lander, "A Young Refugee Becomes a Citizen, and Calls the U.S. Home", *Boston Globe*, February 19, 2018, <https://www.bostonglobe.com/opinion/2018/02/19/young-refugee-becomes-citizen-and-calls-home/YuYXfD60INcrLojJZ20MdL/story.html>, accessed March 9, 2019.

from fuelling resentment among stranded refugees towards U.S., can inhibit radicalisation of potential refugees by extremists like ISIS, can become a safe haven for oppressed people left out in refugee camps, and can eventually, restore its global image of freedom and democracy that it earned through his persistent efforts.

